

A-6377 Variance Request

Construct six (6) masonry piers, with light sconces, that would encroach a maximum of twenty-four feet, eight inches (24'-8") forward of the twenty-five (25) foot front building restriction line.

Ms. Susan Goldberg & Mr. Geoffrey Etnire
111 East Melrose Street

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JULY 8, 2013 MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 7/5/2013
SUBJECT: HEARING OF APPEAL CASE NO. A-6377 VARIANCE REQUEST
MS. SUSAN GOLDBERG & MR. GEOFFREY ETNIRE, 111 EAST MELROSE STREET
CONSTRUCT SIX (6) MASONRY PIERS, WITH LIGHT SCONCES, THAT WOULD ENCROACH A MAXIMUM
OF TWENTY-FOUR FEET, EIGHT INCHES (24'-8") FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT
BUILDING RESTCITION LINE.

CASE SYNOPSIS: The Applicants propose a front yard renovation which includes removing a portion of a circular driveway; eliminating one curb cut; installing a new front walkway and plantings; and constructing the six (6) proposed piers. Two (2) of the proposed piers are located on either side of the driveway close to the front property line. Four (4) are located at each corner of a walkway landing towards the middle of the front yard (see plan provided by Applicants). The piers would measure 24" w x 24" l x 28" h and each would have a small side-mounted light sconce.

IMPORTANT ASPECTS:

- The proposed piers would be located on private property
- If the proposed piers were located in the public right-of-way they would not require Board approval, because in that chapter "masonry piers and pillars [are] considered to be walls" and may be installed as long as they do not exceed four (4) feet in height. That provision does not exist for piers and pillars on private property, hence they are regulated as "structures" and therefore require a variance to be located forward of the front building restriction line.
- The Applicants also have a pending administrative special permit to replace the driveway-eliminating the second curb cut, repaving the remaining and installing a paver border (see plan).

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-17 (c) states:

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

APPLICABLE COVENANTS:

"That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises."

FACTUAL AND BACKGROUND INFORMATION:

The Applicants propose a front yard renovation including removing a portion of a circular driveway; eliminating the left (west) curb cut; installing a new front walkway to the curb; modifying plantings; and constructing the proposed piers (see plan provided by the Applicants).

The proposed piers measure 24"l x 24" w x 28" h. The proposed light sconces are mounted on the side of each pier (see drawing provided by Bob Hawkins of Hawkins Signature Landscapes).



Figure 1: View of 111 East Melrose Street.

One pier would be located on each side of the driveway, four (4) inches inside the front property line, or twenty-four feet, eight inches (24'-8") forward of the front building restriction line. The other four (4) piers would be located seventeen feet, six inches (17'-6") forward of the front building restriction line, alongside a proposed front walkway from the front stoop to the curb (shrubbery would be removed).

In previous cases regarding lamp posts located forward of the twenty-five (25) foot front building restriction line, the Board has found that the covenant authors did not intend for lamp posts to be considered "structures" for the purposes of the covenants, however they are considered "structures" for the purpose of the Village Code.

A license will be executed for the portion of the proposed walkway located in the public right-of-way.

The Village arborist has assessed the property for tree protection measures for the proposed project. Tree protection measures would be required related to the proposed work. The contractor will consult with the Village arborist if large roots are encountered in the vicinity of the proposed pier(s).

To date there have been no letters received from abutting neighbors either in support of or opposition to the request.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300; TOTAL: \$330.

RELEVANT PRECEDENTS:

The Code reference for this variance request, 8-17(c), regards structures forward of the twenty-five (25) foot front building restriction line. Precedents exist for requests for porches; stoops and steps; and lamp posts in this location. Precedents also exist for masonry piers in the public right-of-way prior to the Code revision that created the Section 25-6(a), wherein masonry piers and pillars are to be considered as walls (101 East Melrose Street in November 1996 for stone piers; 101 East Melrose in June 1996 for a stone wall; and 2 West Newlands Street in 1993 for stone piers). Relevant to the code provision in this case are the following: On July 11, 2011 Christopher Erckert and Christopher Sperl of 28 Hesketh Street were granted a variance to **maintain** a lamp post that was installed eighteen feet, nine inches (18'-9") forward of the twenty-five (25) foot front building restriction line and that was installed without the applicable permit. On November 23, 2010 Dr. & Mrs. Gary Adams of 116 Hesketh Street were granted a variance to **install** a freestanding gas lamp post that encroached twenty-four feet forward of the twenty-five (25) foot front building restriction line.

FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22 [fences], 8-26 [driveways] or Chapter 25 [Public Rights-of-Way] of the Village Code, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motions

I move to direct staff to draft a decision **APPROVING/DENYING** the variance request in Case A-6377, to install six (6) masonry piers with light sconces that would encroach a maximum of twenty-four feet, eight inches (24'-8") forward of the twenty-five (25) foot front building restriction line, based on the findings that ...

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 8th day of July, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6377
MS. SUSAN GOLDBERG & MR. GEOFFREY ETNIRE
111 EAST MELROSE STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to construct six (6) masonry piers, with light sconces, that would encroach a maximum of twenty-four feet, eight inches (24'-8") forward of the twenty-five (25) foot front building restriction line.

The Chevy Chase Village Code § 8-17 (c) states:

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 27th day of June, 2013.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-6377

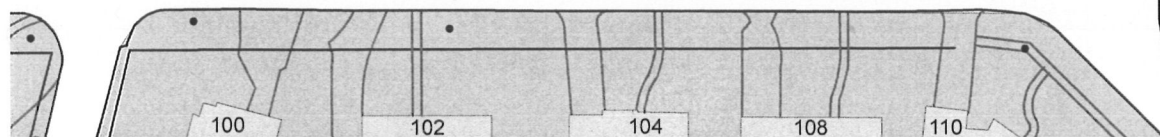
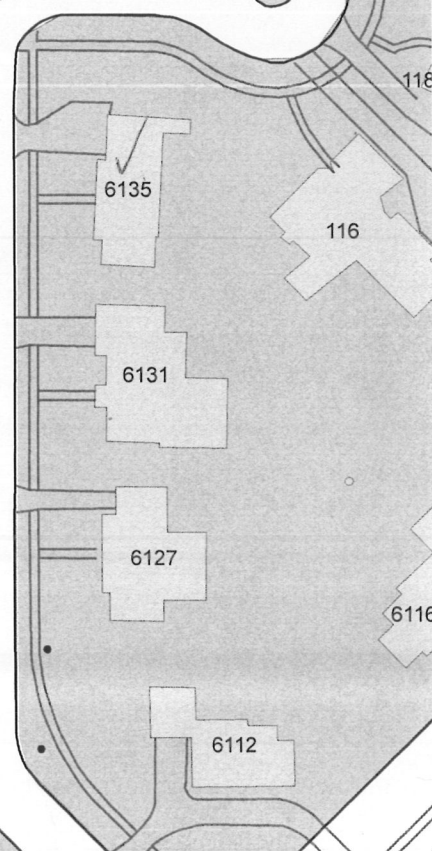
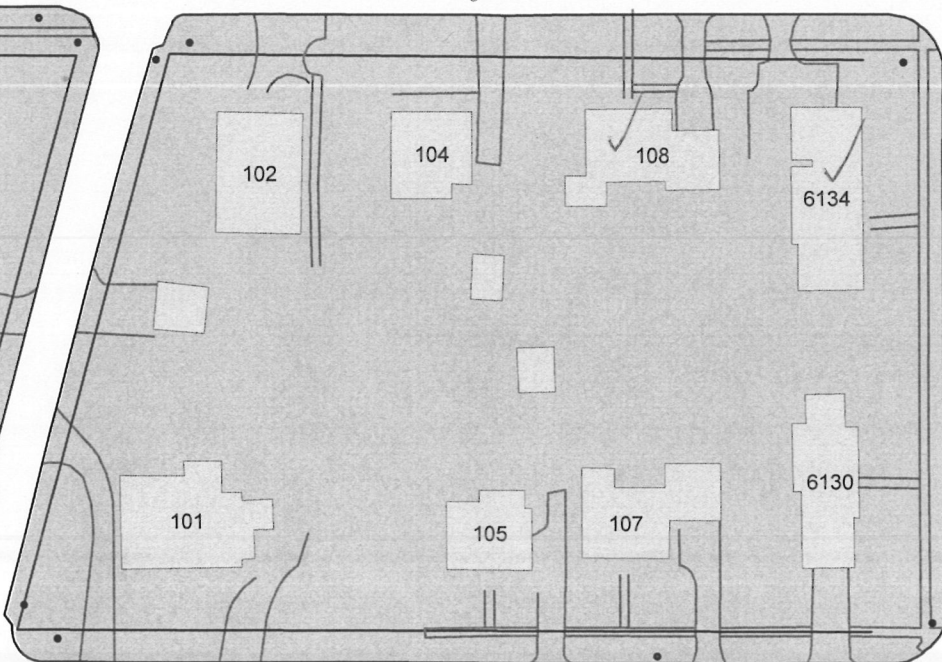
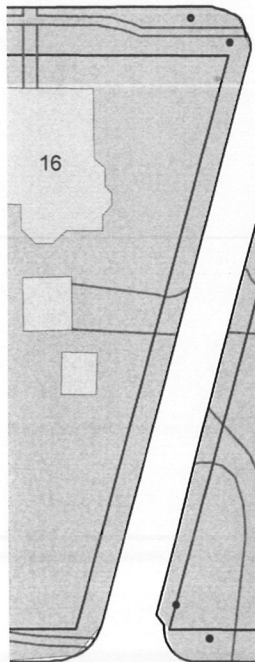
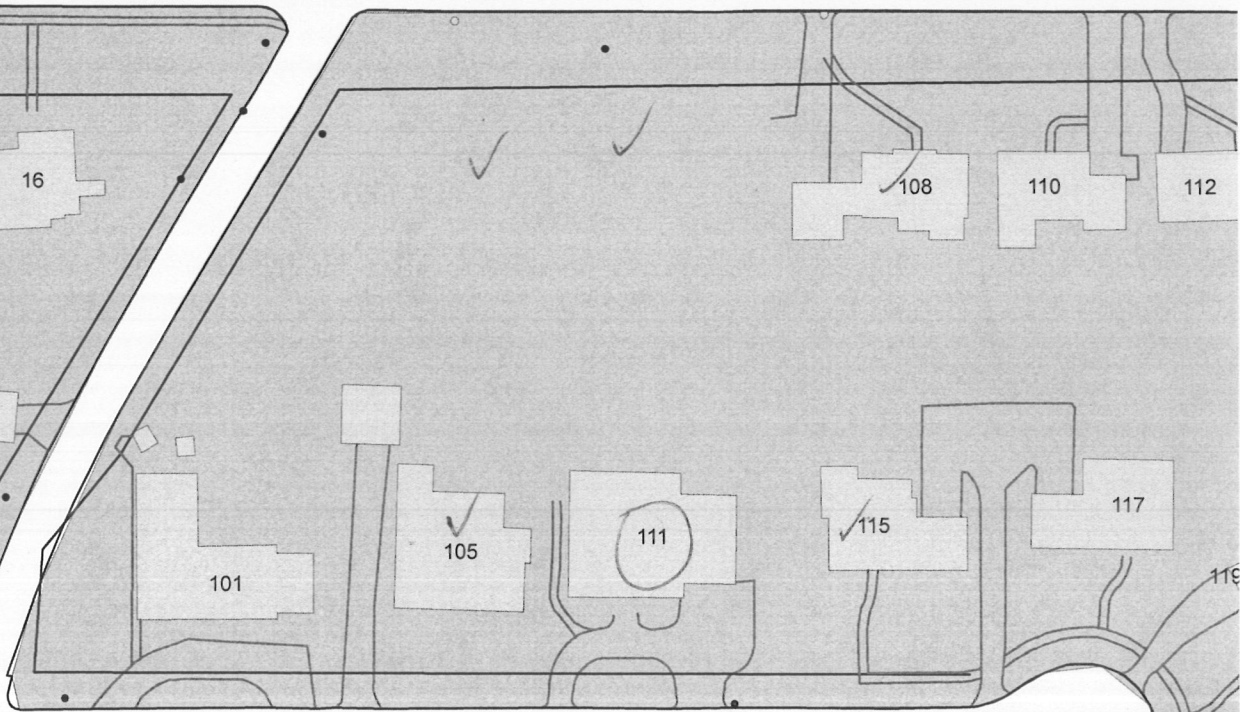
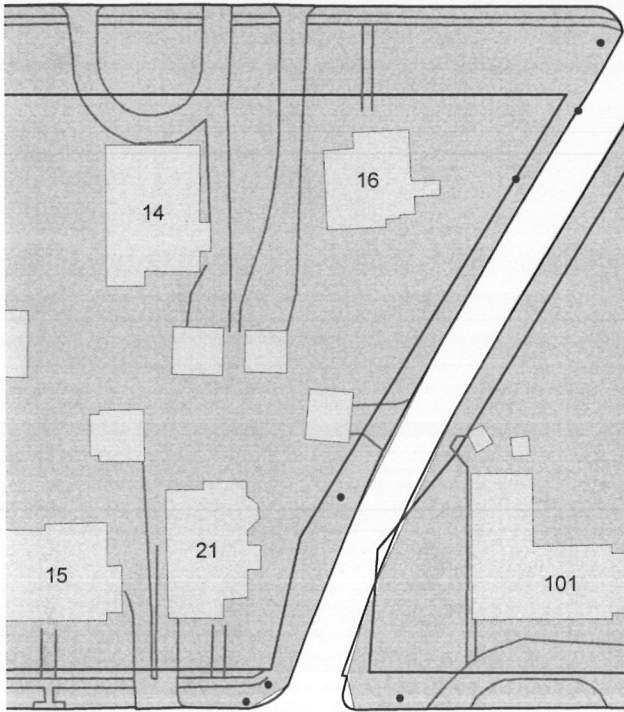
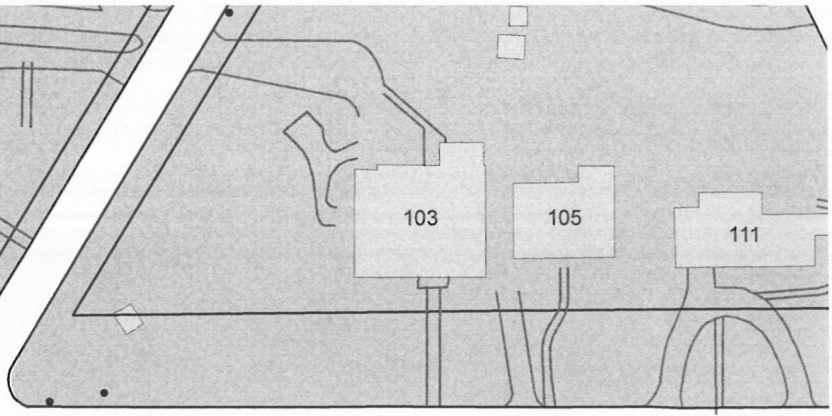
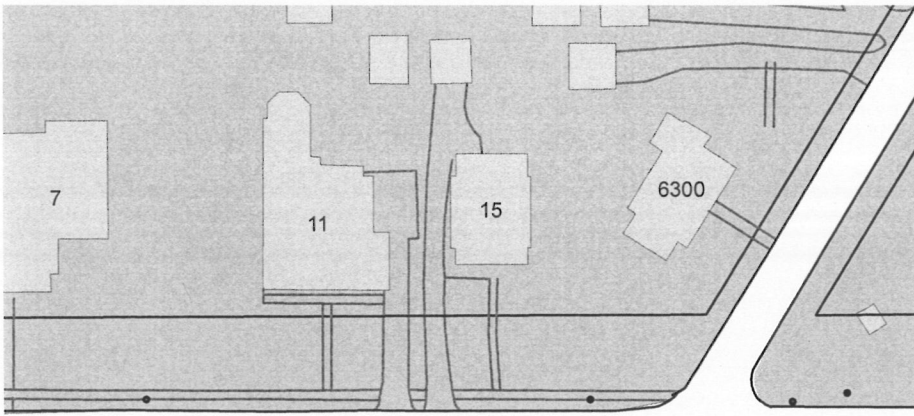
**MS. SUSAN GOLDBERG & MR. GEOFFREY ETNIRE
111 EAST MELROSE STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Mr. Brendan O'Neill, Sr. O'Neill Development Brewster-Lipscomb House 11 Russell Avenue Gaithersburg, MD 20877	Ms. Laura Rosenfeld Barnes; Mr. Phillip Rosenfeld; & Mr. David Rosenfeld c/o Mr. Ronald Rosenfeld 1881 N. Nash Street #TS 10 Arlington, VA 22209
Ms. Francesca Danieli & Mr. Gary Gensler Or Current Resident 105 East Melrose Street Chevy Chase, MD 20815	Mr. & Mrs. Patrick O'Brien Or Current Resident 115 East Melrose Street Chevy Chase, MD 20815
Mr. & Mrs. John H. Hanley Or Current Resident 108 East Melrose Street Chevy Chase, MD 20815	Mr. & Mrs. Jose Rodriguez Or Current Resident 6135 Nevada Avenue Chevy Chase, MD 20815
Mr. & Mrs. Christopher Maloney Or Current Resident 6134 Nevada Avenue Chevy Chase, MD 20815	Mr. Richard Ruda Or Current Resident 108 Newlands Street Chevy Chase, MD 20815



I hereby certify that a public notice was mailed to the aforementioned property owners on the 27th day of June 2013.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**



CHEVY CHASE VILLAGE

ESTABLISHED 1890

June 27, 2013

Ms. Susan Goldberg &
Mr. Geoffrey Etnire
111 East Melrose Street
Chevy Chase, MD 20815

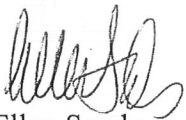
Dear Ms. Goldberg & Mr. Etnire:

Please note that your request for a variance to construct the six (6) masonry piers with lights located forward of the twenty-five (25) foot front building restriction line at your property is scheduled before the Board of Managers on Monday, July 8, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

Cc: Bob Hawkins via email

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS

PATRICIA S. BAPTISTE
Chair

MICHAEL I. DINGER
Vice Chair

RICHARD M. RUDA
Secretary

DAVID L. WINSTEAD
Assistant Secretary

GARY CROCKETT
Treasurer

ROBERT C. GOODWIN, JR.
Assistant Treasurer

ELISSA A. LEONARD
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

Chevy Chase Village
Building Permit Application

Permit No: A-6377

Property Address: <u>111 E. MELROSE ST. Chevy Chase 20815</u>	
Resident Name: <u>Susan Goldberg</u> Daytime telephone: <u>202 654 7344</u> Cell phone: <u>216 905 1990</u> After-hours telephone: <u>216 905 1990</u> E-mail: <u>Sgoldberg1213@yahoo.com</u>	
Project Description: <u>Includes removal of semi-circular concrete drive, install new Flagstone landing and walk to curb, [drive way 'foot print' to remain as is with new edging/paver band] minor landscape adjustments, new piers w/ lights</u> separate appeal	
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.	
Primary Contact for Project: <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):	
Information for Primary Contact for Project (if different from property owner): Name: <u>Susan Goldberg</u> Work telephone: After-hours telephone: Cell phone: E-mail: <u>Secondary Contact: BOB HAWKINS 301.440.0590</u>	
Will the residence be occupied during the construction project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, provide contact information for the party responsible for the construction site (if different from above): Name: Address: Work telephone: After-hours telephone: Cell phone: E-mail:	
Parking Compliance: Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: 

Date: 6/10/13

To be completed by Village staff:

Is this property within the historic district? Yes ☐ No ☒ Staff Initials: ES
Date application filed with Village: 6/14/13 Date permit issued: _____ Expiration date: _____

For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager	Application denied for the following reasons:

DENIED

JUN 24 2013
 Chevy Chase
 Village Manager

Filing Fees (due when application submitted)	Checks Payable to:	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>30</u> (see Permit Fee Worksheet) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)		
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project.		
TOTAL Fees: <u>\$30.00</u>		
		Date: <u>6/17/13</u> Staff Signature: <u>[Signature]</u>
Damage Deposit/Performance Bond (due when permit is issued)	Checks Payable to:	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: _____ Village Manager Signature: _____	
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: _____ Village Manager Signature: _____	

Chevy Chase Village

Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property: <u>111 East Melrose St.</u>	
Describe the Proposed Project: <u>enhancement of property with flagstone sidewalk to curb, small stone recent columns, and power banded drive. Overall landscapes is less than current conditions. Add pins w/ lights</u>	
Applicant Name(s) (List all property owners): <u>Susan Goldberg / Geoff Efrine</u>	
Daytime telephone: <u>216-905-1790</u>	Cell: _____
E-mail: <u>srgoldberg1213@yahoo.com</u>	
Address (if different from property address): _____	
For Village staff use:	
Date this form received: <u>6/14/13</u>	Variance No: <u>A-6377</u>

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: [Signature]

Date: 6/26/13

Applicant's Signature: [Signature]

Date: 6/31/13

Describe the basis for the variance request (attach additional pages as needed).

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

To construct columns 24x24" x 28" (H) out of stone that do not adversely affect the property or that of the neighborhood - Several neighbors on Melrose Street have 'Entrance type' columns currently. These 6 columns are rather small architectural accents - with small lights.

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

Residents of 111 Melrose wish to have flagstone walk to the curb line which they don't currently have in order to go from street to house directly - the stone pedestal columns help accent that area & illuminate steps

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

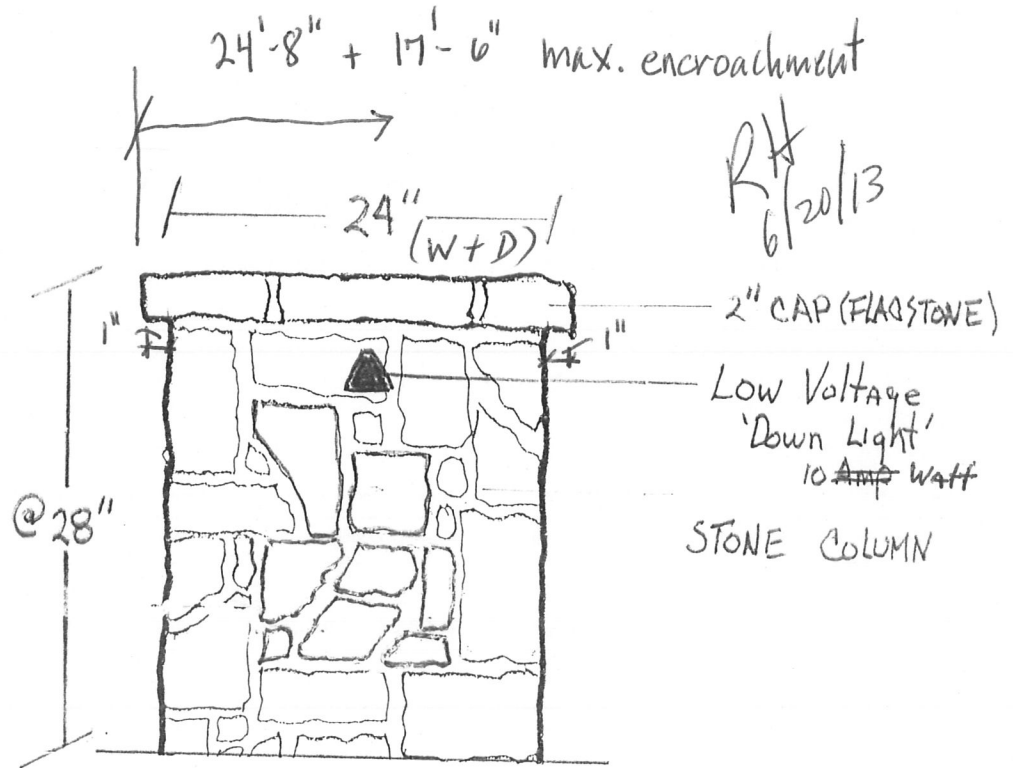
In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Variance Filing Fee <input checked="" type="checkbox"/> Per Village Code Sec. 6-2(a)(24): <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ Fee Paid: \$300.00	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 Date Paid: 6/20/13 Staff Signature: [Signature] check # 9483
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager

Two Story Brick Residence

7

PROPOSED STONE COLUMNS ETNIRE / GOLDBERG RESIDENCE

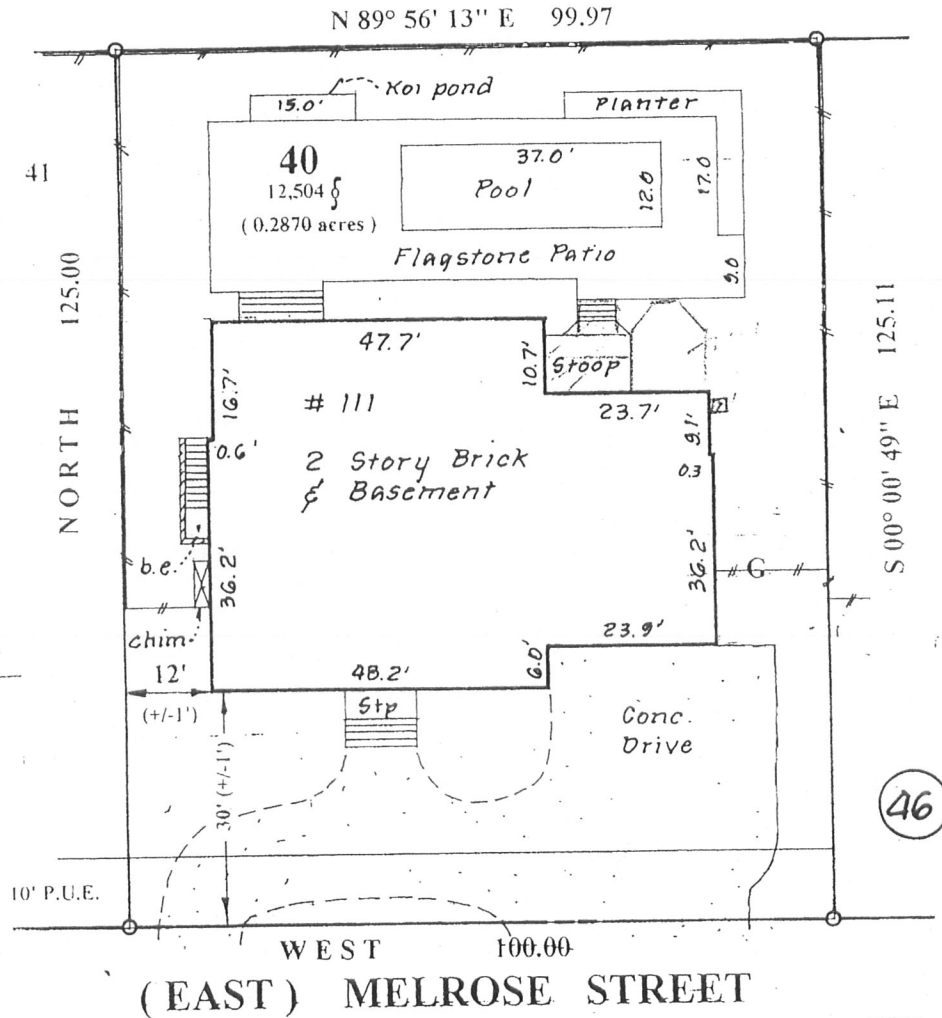


111 E. MELROSE STREET

"PEDESTAL COLUMN"

Bob Hawkins

LANDTECH ASSOCIATES, INC.
7307 BALTIMORE AVENUE SUITE 214
COLLEGE PARK, MARYLAND 20740



NOTES:

1. The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.



NO TITLE REPORT FURNISHED

LOCATION PLAT OF:
#111 (East) Melrose Street
Montgomery County, Maryland
SUBDIVISION Section 2

CHEVY CHASE

LOT: 40
PLAT BOOK: 142
DATE: 7-20-98
CASE NO: CC 20662

BLOCK: 46
PLAT NO: 16312
SCALE: 1" = 20'
FILE NO: RC 98182

CERTIFICATION: I hereby certify that the position of the significant visible improvements on the above described property has been carefully established in compliance with the "Minimum Standards of Practice" for the State of Maryland.

Graden A. Rogers

GRADEN A. ROGERS - PROP. L.S. MD. LIC. NO. 125

day of November, nineteen hundred and nineteen.

Test: ⁴⁵⁹ Robert W. Williams (SEAL)

Frank G. Grimes.

DISTRICT OF COLUMBIA, TO WIT:

I HEREBY CERTIFY that on this twelfth day of November, nineteen hundred and nineteen, before the subscriber, a Notary Public in and for the District of Columbia, personally appeared Robert W. Williams, and acknowledged the foregoing deed to be his act.

IN TESTIMONY WHEREOF, I have hereunto affixed my official seal this twelfth day of November, nineteen hundred and nineteen.

George L. Hoffman

Notary Public

My commission expires Feb. 4, 1924

George L. Hoffman
Notary Public
District of Columbia

EXAMINED
Mailed to
Charles L. Lauck
Wash. D.C.
March 15, 1924

At the request of William Jett Lauck et ux the following deed was recorded November, 19th, A.D. 1919 at 9.00 o'clock, A.M., to wit:

THIS DEED, Made this thirteenth day of November in the year one thousand nine hundred and nineteen by and between The Chevy Chase Land Company, of Montgomery County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland), party of the first part, and William Jett Lauck and Eleanor D. Lauck, his wife, of the State of Maryland, parties of the second part:

WITNESSETH, that the said party of the first part, for and in consideration of the sum of twenty-five hundred and thirty-one and 25/100 Dollars to it paid by the said parties of the second part, and of the covenants and agreements of the said parties of the second part as hereinafter set forth does hereby grant and convey unto the said parties of the second part, in fee simple, as tenants by the entirety, the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely: PART of Lots numbered Seven (7) Eight (8), Twelve (12), and Thirteen (13), in Block numbered Forty-six (46), Section Two, "Chevy Chase," a subdivision made by The Chevy Chase Land Company of Montgomery County, Maryland, as per plat of said subdivision recorded in Plat Book No. 2 page 106, of the Land Records of Montgomery County, Maryland, being a re-record of the plat of subdivision recorded among said Land Records in Liber J.A. NO. 36, folio 61, described by metes and bounds, as follows, viz: Beginning for the same on the north line of Melrose Street at a point distant two hundred and ten and eighty-eight hundredths (210.88) feet East from the intersection of said line of said street with the easterly line of Brookville Road, and running thence East along said line of said Melrose Street, Seventy-five (75) feet; thence North and at right angles to said Street, one hundred and thirty-

five (175) feet; thence West and parallel with said Street, seventy-five (75) feet; and thence South and at right angles to said street, one hundred and thirty-five (175) feet to the place of beginning.

TO HAVE AND TO HOLD the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said parties of the second part, as tenants by the entirety, in fee-simple.

IN CONSIDERATION of the Execution of this deed, the said parties of the second part, for themselves and for each of them, for their and each of their heirs and assigns, hereby covenant and agree with the party of the first part, its successors and assigns (such covenants and agreements to run with the land) as follows viz:

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage-houses, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sale, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than Three thousand (3000) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square in the Section of the Subdivision of which the land hereby conveyed forms a part).

AND the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

IN TESTIMONY WHEREOF, on the day and year first hereinbefore written, the said The Chevy Chase Land Company, of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward J. Stallagen its President, attested by George E. Fleming its Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint George E. Fleming its true and lawful Attorney-in-fact, for it and in its name, place and

stead to
authorize

Attest:

DISTRICT

to heret

person n

November

of Colum

in his v

the said

same as

Comm

#####

EXAMINED

*Delivered to
Richard Lewis
Jan. 6, 1900*

At the

at 9.5

ninet

recap

and se

piece

money

EXAMINED

*Mailed to
Hos. Fisher
108-65-21
Nash D.C.
1-12-21*

(\$10.00) Dollars the said
A Parr party of the second
e or parcel of ground situate,
being the same land which the
tin by deed dated the 23
ontgomery County, State of
bed as follows to wit: All
Chevy Chase, Maryland,
and Records of Montgomery
e said Lot 7 being part of Lot
b, 9, 13 and 17 of William
at No. 62, Plat Book No. 1.
nts thereupon, erected, made,
aters, privileges, appurten-
se appertaining.
parcel of ground and premises
conveyed, together with the
o belonging or appertaining
ver of the said Isabel Parr
ovenant that they will
eyed; that they are seized of
ey said land; that the said
that they have done no act to
her assurances of said land as

Joseph Parr. (Seal)
Parr. (Seal)

July 1920, before the subscriber
and Mary E. Parr his wife, and

official seal this 14th day of

Martin.

At the request of William Jett Lauck and Eleanor D. Lauck the following Deed was recorded July 26th, A.D. 1920 at 9.48 o'clock A.M. to wit:-

THIS DEED, Made this 20th day of May in the year one thousand nine hundred and twenty by and between The Chevy Chase Land Company, of Montgomery County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland), party of the first part, and William Jett Lauck and Eleanor D. Lauck, his wife, of the State of Maryland, parties of the second part;

Witnesseth, that the said party of the first part, for and in consideration of the sum of Fifteen hundred and eighteen and 75/100 (1518.75) Dollars to it paid by the said parties of the second part, and of the covenants and agreements of the said parties of the second part as hereinafter set forth, does hereby grant and convey unto the said parties of the second part, in fee simple, as tenants by the entirety, the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely: Part of lots numbered Six (6), Seven (7), Thirteen (13) and Fourteen (14) in Block numbered Forty-six (46), Section Two (2), "Chevy Chase" a subdivision made by The Chevy Chase Land Company of Montgomery County, Maryland, as per plat of said subdivision recorded in Plat Book No. 2 page 106, of the Land Records of Montgomery County, Maryland being a re-record of the plat of subdivision recorded among said Land Records in Liber J.A. No. 36 folio 61, described by metes and bounds, as follows, namely:-

Beginning for the same on the North line of Melrose Street at a point distant two hundred and eighty five and eighty-eight hundredths (285.88) feet east from the intersection of said line of said street with the easterly line of the Brookeville Road (said point, of beginning being the southeast corner of the parcel of land conveyed by the said The Chevy Chase Land Company of Montgomery County, Maryland, to the said William Jett Lauck et ux. by Deed recorded in Liber No. 288 folio 243 et seq. of the Montgomery County, Maryland, Land Records), and running thence East along said line of Melrose Street, Forty-five (45) feet; thence North and at right angles to said street, One hundred and thirty-five (135) feet; thence West and parallel with said street, Forty-five (45) feet, and thence south and at right angles to said street, one hundred and thirty-five (135) feet to Melrose Street, and the place of beginning.

To Have and To Hold the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said parties of the second part, as tenants by the entirety, in fee-simple.

In Consideration of the execution of this Deed, the said parties of the second part, for themselves and for each of them, for their and each of their heirs and assigns, hereby covenant and agree with the party of the first part, its successors and assigns (such covenants and agreements to run with the land) as follows, viz:

1. That all houses upon the premises hereby conveyed shall be build and used for residence purposes exclusively, except stables, carriage-houses, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than Three Thousand (3000) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person or person deriving title mediately or immediately from said Company to any lot or square, in the Section of the Subdivision of which the land hereby conveyed forms a part).

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In Testimony Whereof, on the day and year first hereinbefore written, the said The Chevy Chase Land Company, of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward J. Stellwagen, its President, attested by George E. Fleming its Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint George E. Fleming its true and lawful Attorney-in-fact, for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment, and to deliver the same as such.

The Chevy Chase Land Company, of
Montgomery County, Maryland.

The Chevy Chase Land
Co. of Montgomery Co.,
Maryland.

By: Edward J. Stellwagen.
President.

Attest:

George E. Fleming, Secretary.

(Internal Revenue \$2.00)

District of Columbia, to wit:

I, Albert W. Sicussa a Notary Public in and for the said District of Columbia, do hereby certify that George E. Fleming who is personally well-known to me to be the person named as Attorney-in-fact in the foregoing and annexed Deed, dated the 20th day of May 1920, to acknowledge the same, personally appeared before me in said District of Columbia, and as Attorney-in-fact as aforesaid, and by virtue of the power and authority in him vested by the aforesaid Deed, acknowledged the same to be the act and deed of the said The Chevy Chase Land Company, of Montgomery County, Maryland, and delivered the same as such.

EXAMINE

Mailed to
The Editor
of Wash
D.C.
1-13-21

LIBER 7484 FOLIO 866

LEGAL DESCRIPTION

Being a strip or parcel of land hereinafter described as the East, 22.04 feet of Lot 8 and all of Lot 7 and the West, 17.96 feet of Lot 6, Block 46 as shown on a plat of subdivision entitled "Section Two, Chevy Chase" as recorded in Plat Book 2 as Plat 106, as recorded in the Land Records of Montgomery County, Maryland being a portion of that land described in a deed dated July 30, 1969, from Charles Thomas Clagett and Nancy L. Clagett, his wife, to Thomas W. Braden and Joan Ridley Braden, his wife, as recorded in Liber 3891 at Page 141, in the aforesaid Land Records; and being more particularly described as follows:

Beginning for the same at a concrete monument found at the southeast corner of said West, 17.96 feet portion of Lot 6 which is also the southwest corner of Lot 39, Block 46, Section 2, Chevy Chase, as recorded in Plat Book 15 as Plat 974 among the said Land Records; thence

1. Due West, 100.00 feet to an iron pipe set at the southwest corner of said East, 22.04 feet portion of Lot 8; thence
2. Due North 125.00 feet to an iron pipe set at the northwest corner of said East, 22.04 feet portion of Lot 8; thence
3. North 89°56'13" East, 99.97 feet to a concrete monument found at the northeast corner of said West, 7.96 feet portion of Lot 6; thence
4. South 00°00'49" East, 125.11 feet to the point of beginning, containing 12,504 square feet or 0.2870 acres of land.

Now Known as lot 40 Block 46 Plat 16312
Chevy Chase Subdivision Recorded 12/23/86

CLERK'S NOTATION
Document submitted for record
in a condition not permitting
satisfactory photographic
reproduction.

Chevy Chase Village

Website Posting Notice

for Appeal, Special Permit & Variance Hearings

Case Number: A-6377

Hearing Date: 7/8/13

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: Susan Goldberg / Geoff Ethine

Address: 111 E Melrose Street

Telephone: 216-905-1990

E-mail: sgoldberg1213@yahoo.com

Applicant/Appellant Signature: 

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: GB

Date: 6/18/13